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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ASSOCIATED PRESS, Plaintiff, - v.- UNITED STATES DEPARTMENT OF DEFENSE, Defendant.	ECF CASE 05 Civ. 5468 (JSR) STIPULATION AND ORDER

WHEREAS, plaintiff the Associated Press ("AP") brought this action under the Freedom of Information Act ("FOIA") seeking, among other things, documents relating to disciplinary actions initiated since January 2002 as a result of allegations of mistreatment at the U.S. Naval Base, Guantanamo Bay, Cuba ("Guantanamo"), documents identifying allegations of detainee-against-detainee abuse at Guantanamo, documents related to Administrative Review Board ("ARB") proceedings, including documents provided by detainees to the ARBs (collectively, the "Documents");

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WHEREAS, defendant the United States Department of Defense ("DOD") moved for summary judgment with respect to its withholding of certain identifying information from the Documents (the "Identifying Information") under FOIA Exemptions 3, 5, 6, and 7(C), and AP cross-moved for summary judgment challenging those withholdings;

WHEREAS, the Court, in a September 20, 2006 Opinion and Order (the "Order"), denied DOD's motion for summary judgment with respect to the Identifying Information, except with respect to information identifying the wife of one detainee who submitted Red Cross Messages ("RCMs") to the ARBs ("detainee b(2)"); granted AP's cross-motion for summary judgment, except with respect to information identifying the wife of detainee b(2); and directed DOD to provide to AP that portion of the Identifying Information ordered disclosed (the "Covered Information") by September 27, 2006;

WHEREAS, DOD applied orally to the Court for a sixty (60)-day stay of that portion of the Order directing DOD to provide the Covered Information to AP, pending the Government's consideration of appeal, and the Court granted DOD's application in an oral order;

WHEREAS, DOD filed a Notice of Appeal of the Order on November 20, 2006;

WHEREAS, the Court issued an oral order conditionally granting DOD's application to continue the Court's stay of the Order pending resolution of DOD's appeal, which order is memorialized below; and

WHEREAS, DOD filed, on November 28, 2006, the parties' joint motion for an expedited briefing schedule in the Court of Appeals such that DOD's opening brief would be due on January 10, 2006;

IT IS STIPULATED AND AGREED, by and between undersigned counsel for the parties, that:

1. That portion of the Order directing DOD to provide the Covered Information to AP is stayed pending resolution of DOD's appeal, on the conditions that (a) DOD will not seek to delay its appeal in this case as part of the Government's consideration of appeal in AP v. DOD, 06 Civ. 1939 (JSR) (AP III), and (b) DOD will seek an expedited briefing schedule in the Court of Appeals in connection with its appeal of the Order, such that DOD's opening brief would be due on January 10, 2007.

Dated: December 4, 2006
New York, New York

LEVINE SULLIVAN KOCH
& SCHULZ, L.L.P.
Attorneys for Plaintiff

By: [signature]
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SO ORDERED:

[signature]
U.S.D.J.
12-5-06